

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JORGE PAVON HERNANDEZ, et al.,

Plaintiffs,

-v-

GEMINI DINER, et al.,

Defendants.

20 Civ. 4741 (PAE) (OTW)

ORDER

PAUL A. ENGELMAYER, District Judge:

On October 15, 2021, the Court and the parties were notified by Judge Ona T. Wang that settlement in this case had not succeeded. Because discovery in this case has ended, this case will therefore proceed to trial.

The Court understands from the docket in this case that no party has made a jury trial demand. *See* Dkt. 22 at 5 (indicating neither a bench trial nor a jury trial). The Court therefore assumes that trial will be a bench trial. For avoidance of doubt, by October 25, 2021, the parties are directed to file a joint letter on the docket confirming that no party has sought a jury trial. In the event that a party has reserved its right to a jury trial, the letter should so state, indicating where on the docket such a jury demand is reflected. Counsel's letter should not volunteer the views of any particular party as between a jury and a bench trial.

The parties' Joint Pretrial Order is due November 8, 2021. By that date, the parties shall submit a Joint Pretrial Order prepared in accordance with the Court's Individual Rules and Practices governing trials, available at <https://nysd.uscourts.gov/hon-paul-engelmayer>, and Federal Rule of Civil Procedure 26(a)(3). Counsel are to be mindful that there are distinct conventions for Joint Pretrial Orders for bench as opposed to jury trials.

Any motions *in limine* must be filed by November 8, 2021. Any oppositions to motions *in limine* are due November 15, 2021. Proposed findings of fact and conclusions of law should be submitted with the Joint Pretrial Order.

The Court schedules a final pretrial telephonic conference for December 3, 2021 at 2 p.m. The parties should call into the Court's dedicated conference line at (888) 363-4749, and enter Access Code 468-4906, followed by the pound (#) key. **Counsel are directed to review the Court's Emergency Individual Rules and Practices in Light of COVID-19**, found at <https://nysd.uscourts.gov/hon-paul-engelmayer>, for the Court's procedures for telephonic conferences and for instructions for communicating with chambers.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: October 18, 2021
New York, New York